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*Attorneys for Plaintiffs*  
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**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW JERSEY**

ALTANA PHARMA AG and WYETH,

Plaintiffs,

v.

TEVA PHARMACEUTICALS USA, INC., *et al.*,

Defendants.

CIVIL ACTION NO. 04-2355 (JLL)

Consolidated with Civil Action Nos.  
05-1966 (JLL) (MAH)  
05-3920 (JLL) (MAH)  
06-3672 (JLL) (MAH)  
08-2877 (JLL) (MAH)

**NOTICE OF MOTION  
FOR SUMMARY JUDGMENT**

**Oral Argument Requested**

**PLEASE TAKE NOTICE** that on August 6, 2012, or as soon as the Court deems appropriate, counsel for Plaintiffs Altana Pharma AG and Wyeth (collectively, "Plaintiffs"), shall move before the Honorable Jose L. Linares, U.S.D.J., the United States District Court for the District of New Jersey, Martin Luther King Jr. Federal Building and United States Courthouse, 50 Walnut Street, Newark, New Jersey, for an Order granting Plaintiffs' Motion for Summary Judgment Dismissing Defendants' Defenses of Patent Misuse and "Bundling."

**PLEASE TAKE FURTHER NOTICE** that in support of the within Motion for Summary Judgment Dismissing Defendants' Defenses of Patent Misuse and "Bundling," Plaintiffs will rely upon the submitted Highly Confidential Opening Memorandum, Highly Confidential Statement of Undisputed Material Facts Pursuant to Fed. R. Civ. P. 56.1(a), the Declaration of Liza M. Walsh with exhibits, the Highly Confidential Declaration of Hector D. Ruiz with exhibits, and any additional submissions made hereafter. A proposed Order is also submitted.

Dated: July 13, 2012

**CONNELL FOLEY LLP**

By: /s/ Liza M. Walsh  
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